

EXHIBIT E

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CALIFORNIA BERRY CULTIVARS, LLC,)
)
Plaintiff,) Case No.
vs.)
) 3:16-cv-02477-VC
THE REGENTS OF THE UNIVERSITY OF)
CALIFORNIA, a corporation,)
)
Defendant.)

THE REGENTS OF THE UNIVERSITY OF)
CALIFORNIA, a corporation,)
)
Cross-Complainant,)
vs.)
)
CALIFORNIA BERRY CULTIVARS, LLC,)
DOUGLAS SHAW, and KIRK LARSON,)
)
Cross-Defendants.)

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY
VIDEO-RECORDED DEPOSITION OF KIRK DAVID LARSON, Ph.D.
Irvine, California
Tuesday, January 3, 2017
Volume I

Reported by:
Gail E. Kennamer, CSR 4583, CCRR
Job No. 2511067
Pages 1 - 147

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CALIFORNIA BERRY CULTIVARS, LLC,)
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Cross-Defendants.)

Video-Recorded Deposition of Kirk David Larson,
Ph.D., Volume I, taken on behalf of Defendant at 3161
Michelson Drive, 8th Floor, Irvine, California, beginning
at 10:17 a.m., and ending at 2:59 p.m., Tuesday,
January 3, 2017, before Gail E. Kennamer, CSR 4583, CCRR.

1 APPEARANCES :

2
3 For Plaintiff and Cross-Defendants:

4
5 JONES DAY

6 BY: SHARYL A. REISMAN, ESQ.

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13 For Defendant and Cross-Complainant:

14
15 MORRISON FOERSTER

16 BY: JACOB P. EWERDT, ESQ.

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21
22
23 ALSO PRESENT:

24 Joann Yager, Videographer

25

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WITNESS

EXAMINATION

KIRK DAVID LARSON, Ph.D.

Volume I

BY MR. EWERDT

10

Irvine, California; Tuesday, January 3, 2017

10:17 a.m.

VIDEO OPERATOR: Good morning. We are on the record at 10:17 a.m. on January 3rd, 2017. My name is Joann Yager, here with our court reporter, Gail Kennamer. We are here from Veritext Legal Solutions at the request of counsel for defendant.

This deposition is being held at 3161 Michelson Drive in the city of Irvine, California. Case caption, California Berry Cultivars, LLC versus the Regents of the University of California. Case Number 3:16-cv-02477-VC.

Please note that audio and video recording will take place unless all parties agree to go off the record. Microphones are sensitive and may pick up whispers, private conversations, and cellular interference.

I am not authorized to administer an oath. I am not related to any party in this action, nor am I financially interested in the outcome in any way.

If there are any objections to proceeding, please state them at the time of your appearance.

May we please have introductions beginning with the witness.

Your name, sir.

1 THE WITNESS: Kirk David Larson. 10:18

2 MS. REISMAN: Sharyl Reisman, Jones Day on
3 behalf of CBC, Kirk Larson, and Doug Shaw.

4 MR. EWERDT: Jake Ewerdt with
5 Morrison & Foerster on behalf of the Regents of the 10:18
6 University of California.

7 VIDEO OPERATOR: The witness may be sworn in.

8

9 KIRK DAVID LARSON, Ph.D.

10 a witness herein, having been administered an oath, was
11 examined, and testified as follows:

12

13 -EXAMINATION-

14

15 BY MR. EWERDT: 10:19

16 Q. Good morning, Dr. Larson.

17 A. Hello.

18 Q. Please state your full name for the record and
19 spell it.

20 A. Kirk David Larson. K-i-r-k. David, D-a-v-i-d. 10:19
21 L-a-r-s-o-n.

22 Q. Where do you live, Mr. Larson?

23 A. 12695 Barrett Lane, Santa Ana, California 92705.

24 Q. Have you had your deposition taken before?

25 A. Never. 10:19

1 A. Sure. 10:23

2 Q. You retired from the University of California in

3 November of 2014; right?

4 A. 2014, I think there's more details there maybe.

5 Q. What details are you looking for? 10:24

6 A. Just clearing up the possible -- Well, I guess

7 I'll leave it at that.

8 Q. Would it be helpful if I asked if you retired

9 from the University of California on November 7th, 2014?

10 A. That would be nice. 10:24

11 Q. Okay.

12 A. Yeah.

13 Q. Is that your recollection that you retired from

14 the University of California on November 7, 2014?

15 A. Yes. 10:24

16 Q. And you were employed by the University of

17 California for 23 years when you retired?

18 A. No.

19 Q. How long were you employed with the university

20 when you retired? 10:24

21 A. I started July 1st -- July 1st, 1991.

22 And I left the university -- Let me think now. Let

23 me think.

24 Q. Was it November 7, 2014 that you left the

25 university? 10:25

2 Q. You retired from the University of California in
3 November of 2014; right?

4 A. 2014, I think there's more details there maybe.

5 Q. What details are you looking for?

6 A. Just clearing up the possible -- Well, I guess
7 I'll leave it at that.

8 Q. Would it be helpful if I asked if you retired
9 from the University of California on November 7th, 2014?

10	A. That would be nice.
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11	Q. Okay.
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12	A. Yeah.
----	----------

13 Q. Is that your recollection that you retired from
14 the University of California on November 7, 2014?

15	A. Yes.
----	---------

16 Q. And you were employed by the University of
17 California for 23 years when you retired?

18	A.	No.
----	----	-----

19 Q. How long were you employed with the university
20 when you retired?

20	when you retired?
----	-------------------

21 A. I started July 1st -- July 1st, 1991.

22 And I left the university -- Let me think now. Let
23 me think.

24 Q. Was it November 7, 2014 that you left the
25 university?

1 A. Seven. 2014. 7. 7th of -- um. 10:25

2 MS. REISMAN: Dr. Larson, when you can't

3 remember, you can just say, "I don't remember."

4 THE WITNESS: Yeah, I don't remember right now.

5 BY MR. EWERDT: 10:26

6 Q. Did you leave the -- retired from the University

7 of California at the same time as Dr. Shaw?

8 MS. REISMAN: Objection. Foundation. I

9 don't -- If you know, that's fine. If you don't know

10 exactly when, that's fine too. 10:26

11 THE WITNESS: It should be 2014. Seventh of --

12 7. Gee, just working on it all this time.

13 MS. REISMAN: Dr. Larson, it's just fine. You

14 can just say, "I don't recall." That's just fine.

15 THE WITNESS: Okay. 10:26

16 MS. REISMAN: You don't know. You don't recall.

17 BY MR. EWERDT:

18 Q. When you were employed at the university, you

19 worked for the University of California strawberry

20 breeding program; correct? 10:26

21 A. Yes.

22 Q. You worked at the South Coast Research and

23 Extension Center; correct?

24 A. Yeah.

25 Q. And that was in Irvine, California? 10:26

1 related to the University of California? 10:35

2 MS. REISMAN: Objection. Form. Vague.

3 THE WITNESS: I -- I'm not quite getting --

4 Okay. I heard -- No one told me. Somebody said, "Well,

5 there is a person in -- I don't know -- Vermont or 10:36

6 Massachusetts. They had -- they had, you know -- you

7 know, if you are an apple person, you know, and you try

8 and be an apple person, well, you know, we try to be a

9 strawberry people, you know. So when people come in and

10 they don't know strawberries, it's going to take them a 10:36

11 long, long, long, long time to understand what strawberry

12 culture is in California, and it's really very

13 complicated. I'll just tell you that, you know. And

14 there's about maybe five or six people in the world maybe

15 have that kind of knowledge. I'm not one of them, but I'm 10:36

16 kind of close to them, but not, you know --

17 MS. REISMAN: Dr. Larson, we can -- We'll let

18 Mr. Ewerdt ask some more questions so then you can answer

19 those --

20 THE WITNESS: Great. 10:37

21 MS. REISMAN: -- questions.

22 THE WITNESS: Okay.

23 MS. REISMAN: Thank you.

24 BY MR. EWERTD:

25 Q. You told me earlier you started at the 10:37

1 University of California on July 1st, 1991. 10:37

2 Do you remember that?

3 A. Yes.

4 Q. How much strawberry experience did you have when
5 you started at the University of California? 10:37

6 A. I had very little.

7 Q. How long did it take you to get the type of
8 experience you're now talking about for the California
9 strawberry experience?

10 MS. REISMAN: Objection to form. 10:37

11 THE WITNESS: Well, I'll tell you this. You
12 know a person named Doug Shaw?

13 BY MR. EWERDT:

14 Q. I do, yes.

15 A. Okay. During about ten years, Doug Shaw really 10:37
16 came out, brilliant, a brilliant man. Somebody that I
17 would really admire quite a lot, and there's very few
18 people like that. I'm not one of those people. So I'm
19 getting close there, you know, and so I don't know. So 14
20 years or something like that, 15 years, 14 years. And 10:38
21 then -- and then I was out of the university. I think
22 that was the trail.

23 Q. When you were at the university, did you receive
24 checks from the university for your salary?

25 A. Checks? I had a salary, yes. 10:38